

DEFENDANT: David Niles  
DOB: 06/27/1973 AGE: 46  
ADDRESS:  
155 Burgess Rd.  
Bennington, VT 05201

ARRAIGNMENT DATE: July 29, 2019  
SA CASE ID.: 19-14464  
ASSIGNED (D)SA: Kirsten M Morgan ERN:  
POLICE DEPT.: Manchester Police Department  
INVESTIGATING OFFICER: Detective Abigail Zimmer  
VICTIM ADVOCATE: Whitney Kalinowski  
INCIDENT NO.: 19MC001308 VERMONT SUPERIOR COURT  
BENNINGTON UNIT

STATE OF VERMONT

JUL 29 2019

SUPERIOR COURT  
BENNINGTON UNIT

FILED

STATE OF VERMONT

CRIMINAL DIVISION

v.

DOCKET NO. 886-7-19 BNCI

DANIELLE NILES, DAVID NILES

INFORMATION BY STATE'S ATTORNEY

By the authority of the State of Vermont, the State's Attorney for Bennington County, upon the oath of office charges:

COUNT 1 OF 1

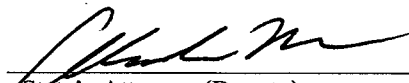
CHARGE CODE: 13V2002=F | CODE ID: 309 | OFFENSE CLASS: F  
CHARGE NAME: FALSE PRETENSES OR FALSE TOKENS > \$900

David Niles, in the County of Bennington, at Manchester on or between August 1, 2017 and September 1, 2017, designedly by false pretenses or by privy or false token and with intent to defraud, obtained from another person money or other property, or a release or discharge of a debt or obligation, or the signature of a person to a written instrument, the false making whereof would be punishable as forgery, where the money or property so obtained exceeds \$900.00 in value, in violation of 13 V.S.A. 2002.

Penalty: Imprisoned not more than 10 years or fined not more than \$2,000.00 or both.

Against the peace and dignity of the State.

DATED: July 29, 2019

  
State's Attorney (Deputy)

This information has been presented to me and I have found probable cause.

DATED:

7/29/19

  
Superior Court Judge

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*NOW COMES, Detective Abigail Zimmer, Affiant, being duly sworn and on oath deposes and says she has probable cause to believe that David J. Niles DOB: 6/27/1973, has committed the offense of False Pretenses, a violation of Title 13 VSA 2002, based on the following facts:*

On April 29, 2019, I was requested by Chief Hall to review a case to be submitted for a case review to the Bennington States Attorney's Office. Chief Hall provided me with a twelve (12) page letter dated April 25, 2018, provided to him by Rose Dorr DOB: 01/19/1957. I was also provided with a copy of a five (5) page Vermont property transfer tax return as well as a four (4) page Quitclaim Deed signed August 16, 2017 by Rose Dorr, address listed as 434 Dufresne Pond Road in the Town of Manchester, County of Bennington, Vermont.

The Following is a synopsis of the statement provided to Chief Hall by Rose Dorr. Dorr advised that in August of 2017 her son-in-law, David J. Niles DOB: 06/27/1973, as well as her daughter, David's wife, Danielle T. Niles DOB: 02/13/1978, called her asking for a favor. Dorr advised the favor was to "borrow" her quit deed temporarily with the promise that they would give it back in 3 months so they could buy a house in Bennington.

Dorr was skeptical and expressed her concerns to them regarding becoming homeless and they both assured her that they wouldn't do that to her. Dorr advised David told her that he would use her address at 434 Dufresne Pond Road as his primary address. Dorr asked him why, and told him that the state knows she lives on Dufresne Pond Road and that she was not going to lie. David then told her that he would have her deed back before the state caught onto it. Dorr stated she wasn't going to move and wasn't going to lie, and David reassured her that he had a Lawyer already paid to return her deed in 3 months.

Dorr further explained that earlier in the Spring of 2017 her daughter, Danielle told her that she was terminally ill with a rare cancer called "Cholangio Carcinoma". She felt obligated as her mother to help her out as much as she could, so Dorr agreed to help them.

Dorr explained that after the initial 3 months went by, she asked when she would be getting her deed back. She advised David told her not for at least 6 months, as she

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would have to wait for him to refinance and transfer the loan onto their property 155 Burgess Road in Bennington, Vermont.

Dorr advised when it came time to file taxes, she filed the "homeowners declaration" which was rejected by the state. She advises David called her and "read me the riot act" for signing the declaration. She advised she told him the tax preparer filed it and he said, "she's a stupid bitch, now the deals off". Dorr advised David was yelling at her and telling her that he and Danielle both told her not to sign the Declaration, however Dorr advised they had never told her that. Dorr advised she paid February 2017 property taxes and David paid September 2017 and February 2018 taxes stating to her that he had to pay for them.

Dorr advised nothing else was said between them until he told her he was going to evict her if she didn't take over the loan. David told her that the only way she could get the deed back was by signing new papers stating she would resume the loan.

Dorr advised she spoke with Danielle several times to ask her about her cancer; Danielle told her she was having a rough time. Dorr would later find out that the cancer never existed and that she believes that was just part of the "scam" to get her home away from her. Dorr advised when she was in Dartmouth, she began asking the doctors questions about the type of cancer Danielle claimed to have. Dorr was told that once diagnosed the patient only lives 3-5 months and there are cures if caught early enough. Dorr advised she later approached Danielle and told her she questioned if she really had cancer and Danielle told her that her doctor wasn't going to document her cancer so that she could get a life insurance policy.

Dorr stated that she was first told by Danielle that she and David borrowed \$35,000. Dorr stated to Danielle again that she did not want to lose her house and was told by Danielle that would never happen. After some time passed Dorr again asked how much they borrowed and noticed that they had been buying a lot of stuff and Danielle told her they borrowed \$60,000. Time went on and Dorr advised that before she wanted her deed back, she and her daughter Danielle would talk multiple times a day with Danielle contacting her. She advised suddenly their relationship changed due to all of this.

Danielle called her and she put David on the phone who told her that he wasn't going to pay on the loan anymore and was going to let the bank take the house. Danielle had informed Dorr that they had borrowed \$80,000. Dorr advised David gave her several

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options for her to keep the house or stated he would evict her. Dorr asked David if she could talk to a lawyer first; he told her she didn't need one and became agitated, telling her to just sign the papers. She asked him to just give her one week to contact a lawyer and he agreed.

Dorr advised she called and spoke with a couple different lawyers as well as went to the Police Department for advice. She advised she came home to a voice mail from David that asked her to call him. David said he needed his answer on whether she was talking over the loan. She asked him if she could have more time to talk to her lawyer and he raised his voice and told her she was just using that as an excuse to "buy more time" and that he believed she never talked to a lawyer.

\* [Dorr advised that during the conversation with David he told her he "didn't give a shit if she ended up living in a cardboard box, eating crackers or cereal, he'd had enough with the stall tactics!". David then told Dorr that he already had a buyer for the house and that it would be sold that weekend, or he would be starting the 60-day eviction on that day and she would have to be out on July 25, 2017. [REDACTED]

Dorr advised in her statement that prior to her signing the Quit deed, David had suggested paying her 10,000.00 for the use of her deed including paying the homeowners insurance and property taxes for 1 year, this never ended up happening. Dorr stated that she felt any parent would do something like this if they thought their child was dying. Dorr advised she never got compensated as she was told by David; she advised she did receive cash occasionally when she was going to New Hampshire and Danielle and David would give her anywhere from \$400-\$600 in cash to pick up cartons of cigarettes and chew for them. She advised sometimes David would throw a little extra in for gas, and they gave her cash to take her granddaughter Christmas Shopping for them.

Dorr had confronted Danielle in May 2018 about her cancer and that's when David told her she was never getting the deed back. She was forced to move out on August 3, 2018.

Dorr explains that when she signed the papers, she had no idea she was giving her home away. She advised she had asked her daughter why her and David were doing this to her, and Danielle replied, "Because you live too frivolously".

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On June 6, 2019, I requested a subpoena for Bank statements and loans, to include loan applications from Heritage Family Credit Union from July 2017 - present for any and all accounts belonging to Danielle Niles DOB: 2/13/1978 and David Niles DOB: 6/27/1973. On June 12, 2019, I served this subpoena on Heritage Family Credit Union and the information was sent through United Postal Service on June 14, 2019.

Upon review of the information, I was able to find that on the day after the Quit Deed was signed, on August 17, 2017, David Niles signed a credit consent form with his bank, Heritage Family Credit Union, for an application on a loan.

On August 28, 2017, David Niles applied for a 24-month fixed rate 1<sup>st</sup> position Home Equity Line of Credit loan (HELOC). Bank notes on the application review sheet indicate that the HELOC loan will be for paying off the Heritage Family Credit Union loan for a tractor and collections. It also states that the member wants to re-build his credit and pay off all collections. The remainder is to go toward home improvements to interior and landscaping. Also, that he recently was transferred on the title from his mother-in-law. This loan was approved for \$80,000.00 on October 6, 2017.

On October 13, 2017, David Niles signed a commitment letter also with Heritage Family Credit union for a Home Equity Line of Credit for \$80,000.00. This letter states that the revolving line of credit will be secured by a valid mortgage on real estate at 434 Dufresne Pond Road in Manchester VT, Dorr's residence.

In reviewing the documents, David Niles had seven (7) debt collectors after him for various things he failed to pay. He also had a tractor loan in the amount of \$19,366.12. Including some additional costs in connection with the HELOC loan, the tractor as well as paying off all debt collectors, David Niles settled in the amount of \$22,751.44 taking this amount out of the \$80,000.00 loan on October 23, 2017.

On October 27, 2017 the remainder of the money, \$57,248.00 was deposited into David Niles account. At the time the money was deposited, David Niles had \$26.90 in his account. By October 31, 2017, Niles withdrew approximately \$52,000.00 from his account. By November 30, 2017, \$37.72 was left in his account.

All paper work filled out by David Niles states his primary address as 434 Dufresne Pond Road. Niles signed an "occupancy statement" stating 434 Dufresne Pond Road is or will be the borrower's principal residence. In signing the paperwork Niles acknowledged that if he did not occupy the residence currently then he had no later

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than thirty days after this date (10/23/17) or thirty days after the property shall become ready for occupancy as a habitable dwelling, whichever is later.

| Dorr occupied this residence until Niles evicted her in August 2018. According to Dorr this residence is now being rented out to a family.

I spoke with Dorr at length, Dorr advised that while living at 434 Dufresne Pond Road she had no Mortgage on the house, as it had been all paid off. Now since being evicted from her house she is living in a very small trailer, which is a downgrade from where she was living before. She also has to pay rent where she is staying and does not own the property. Please see attached to this affidavit page 1A and 2A.

On July 23, 2019, Myself and Detective Crowe travelled to the Bennington Police Department where we met with Officer Diotte and Officer Lackey. Officer Diotte and Officer Lackey assisted us in the arrest of David Niles and Danielle Niles. We all travelled to 155 Burgess Road. Upon arrival, Danielle Niles was standing in the door way. We approached her and I asked if David was home and asked if they could talk with us outside, as soon as they realized we were Police from Manchester they advised they knew this had to do with Dorr. Without any further discussion, David stated that Dorr committed fraud by signing her name to a Home Declaration. Officer Diotte and Officer Lackey took David Niles into custody and transported him back to the Bennington Police Department for processing.

Detective Crowe and I transported Danielle Niles. Danielle advised she has severe anxiety and needed to call someone to come stay with her 15-year-old daughter. She called David's aunt and uncle to come. Detective Crowe assisted Danielle in getting her belongings as she stated she needed supplies for her diabetes. The family arrived and upon arrival they advised that Danielle has cancer and only has a few years to live. I asked what kind of cancer and the male stated that she has a tumor in her stomach. Detective Crowe and I then transported Danielle to the Bennington Police Department.

Upon arrival, Danielle was put into a separate room from David. Detective Crowe and I began by reading Danielle her Miranda Warnings, which she waived and agreed to talk to us. Danielle advised that her mother approached her and David about them buying her house and giving her \$10,000.00 for it while letting her stay there. She advised her mom was in "financial ruin" and that everything was done legally through an attorney. Danielle advised as soon as her mom "went through all the money". Her mom started "becoming mean" and that "threats started happening".

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Danielle advised her mom knew they wanted to buy a house and told them "you guys help me by paying me for my house and ill help you guys". Danielle stated everything was verbal as far as having her mom staying there and everything was ok until her mom signed the "Homestead Declaration". She advised at that point David told her she couldn't do that and it was fraud. Danielle advised once her mom did that David contacted attorney Ray Bolton, who told them it was time "to get her out of there".

I asked if she has been diagnosed with Cancer. She advised "yes, I have a bile duct cancer" and that she was diagnosed two years ago in the spring. She said her doctor hasn't put down it down as cancer, he put it down as a bile duct obstruction. I then asked, "then you haven't been diagnosed with cancer?" She advised it is not in her medical chart.

At one point I asked if she ever told her mother that she had Cholangio Carcinoma and she advised "no". She said she didn't tell her mom that because she doesn't have "liver cancer". I asked why her mom would lie to me about that and she advised, "why would my mom lie period".

Danielle then advised she had told her mother that she was sick and that it could be cancer and that she had to go for more testing and her mom asked her what kind of cancer it was and she said "its Cholangio Carcinoma, it could be". Danielle advised it is not even in her medical chart and "what doctor is going to lie". I advised her that is exactly what her mother was wondering. Danielle said it is in her medical records that she has a Bile Duct Obstruction.

I advised Danielle how David's aunt said that she has cancer and only had a few years to live. I asked if that was a truth or a lie. Danielle advised the aunt is "misunderstood" and that she knows she is sick. She advised she "won't go back to the Doctor because she doesn't want to know the diagnosis".

I then asked her if there was no arrangement saying that they would just borrow the deed to get a loan. She advised not at all. She stated they wanted the deed to buy a house. Danielle advised they used the money to pay off debt, but also paid for the house they are living in on Burgess Road. Danielle advised her mother knew this and that David would make the payments so her mom could live there until she filed the Homestead Declaration, then David "took the defensive because he was afraid of going to jail". Danielle advised in order for the bank to give David the loan, he had to pay off

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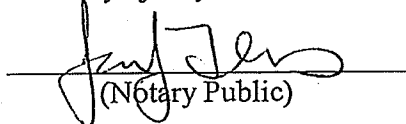
all his debt and that her mom knew that. I asked why only \$10,000.00 and Danielle advised because that is all her mom wanted and originally her mom only wanted 5,000.00. I asked Danielle how they were going to pay for her mother's mortgage while letting her mom live there for free. Danielle advised that they do not have a mortgage at their house and that they paid \$32,000.00 for their house in Bennington, they took the money from the loan to pay that off. Danielle was sworn to her recorded statement.

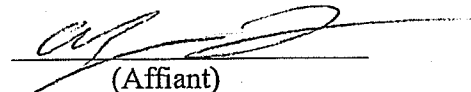
Detective Crowe had begun reading David Niles his Miranda Warnings in which he advised he did not want to speak with us. Both Detective Crowe and I explained to Niles what the charges were for.

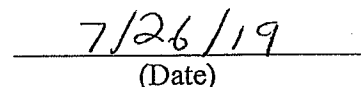
I called the Honorable Judge Barra who set conditions 1, 2, 6, 14- no contact with the Dorr, 15- Must not abuse the Dorr, and 16- Must come to court on 7/29/2019 at 08:15 AM. I read David and Danielle Niles the conditions, to which they signed, acknowledging they understood. David and Danielle Niles were fingerprinted and photographed and Detective Crowe and I transported them back to their residence.

Based upon the above information, this affiant believes there to be probable cause to charge David and Danielle Niles with the offense of False Pretenses. Both are scheduled to appear in the Vermont Superior Court, Bennington Criminal Division on July 29, 2019 at 08:15 AM.

*Subscribed and Sworn to me on  
26th Day of July 2019*

  
(Notary Public)

  
(Affiant)

  
(Date)